

**SAMPLE  
NOTICE OF PROPOSED ADVERSE ACTION<sup>1</sup>**

**[NOTE: All Footnotes and Brackets below contain supervisory instructions and should not be included in the final letter. All letters affecting or proposing disciplinary action should be reviewed by an Employee Relations Specialist prior to issuance. See instructions in Chapter 2 regarding supervisory-maintained personnel records.]**

Mr. Les Werk  
Fish and Wildlife Biologist, GS-401-11  
Fish and Wildlife Service  
Big Mac National Fish Hatchery  
Mac, Idaho

Dear Mr. Werk:

This is a notice of proposed adverse action issued in accordance with 5 CFR 752. In order to promote the efficiency of the Federal Service (Service), it is proposed to [include as appropriate:]

- "remove you from the Federal Service";
- "reduce you in grade from GS-\_\_ to GS-\_\_", or
- "suspend you from duty and pay for a period of \_\_\_\_ calendar days",

or otherwise discipline you, at any time after thirty (30) full calendar days from the date you receive this notice.

This proposed adverse action is based on the following reason(s):

Reason I. [State a specific identifiable offense which refers to personal conduct on the part of the employee, i.e., what the employee actually did that was wrong. For example:] You failed to follow the instructions of your official supervisor .... [Where appropriate, cite a specific Rule of Conduct or other instructions, e.g.:] ... in violation of .... [Example reasons and specifications are contained in Exhibit 3G.]

Specification 1: [Specifically describe the offense, with reference to times and dates, locations, persons directly involved, and specific acts and actions. It should be evident from reading the specification why the reason has been cited. The specification is not the evidence, although elements of the evidence may make up the specification. Example specifications are contained in Exhibit 3H.]

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<sup>1</sup> For removals, demotions or suspensions for more than 14 days taken for reasons other than unacceptable performance.

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Specification 2: [State as many specifications as are necessary. Normally, each individual specification should detail a separate instance of misconduct.]

Reason II. [Use as many reasons as there are clearly distinct offenses.]

Specification ... [Continue with format.]

[In cases of off-duty misconduct, the nexus must be stated. This is a description of why and how there is a connection between the specific off-duty misconduct and the efficiency of the service. As applicable, the connection might be established in terms of publicity or notoriety, the effect on the image of the Fish and Wildlife Service or ability to accomplish the mission of the Service, the effect on the Service's ability to rely on the integrity, honesty or good judgment of the employee (especially for responsible jobs), the effect on co-workers (safety concerns, morale, job performance, etc.), and direct applicability to the job (an obvious nexus, such as violation of fish and game laws and regulations). Begin with a phrase such as the following: "Such conduct seriously impairs the efficiency of the Service...." See examples of reasons and specifications for off-duty misconduct in XI and X of Exhibit 3H.]

[If prior discipline or other aggravating circumstances are present, state:] I am also taking into account the fact that [e.g.:]

- you have been previously disciplined for misconduct: you received a letter of warning on October 10, 20\_\_, and a letter of reprimand on December 12, 20\_\_; and you were suspended for 5 days from January 2 through 7, 20\_\_.
- On May 6, 20\_\_, I counseled you orally regarding arriving at work on time, and I gave you a copy of the office policy regarding duty hours.
- You were given a copy of the "Standards of Ethical Conduct", 5 CFR Part 2635, when you first came to work at the hatchery, and you were provided another copy on June 7, 20\_\_. In both instances, you provided one hour of official time to read the regulations and told that you would be held responsible for conducting yourself in a manner consistent with them.

You have a right to review the material relied on to support the reasons in this notice and/or receive a copy of the evidence file, and may request it from \_\_\_\_\_. If you do not fully understand the reasons for the proposed action, I will give you further explanation.

You have the right to answer both personally and in writing and to furnish affidavits and evidence in support of your answer. Concerning your written and/or oral replies, you will not be restricted to matters relating solely to the reasons for proposing this action, but you may plead extenuating circumstances or make any other representations which you consider appropriate. You may also submit such affidavits or other evidence that you wish to have considered in support of your reply. You also have the right to be represented by an attorney or other representative. A representative may be disallowed if the individual's activities as a representative could cause a conflict of interest or position, would give rise to unreasonable costs to the Government, or would conflict with priority work assignments.

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If otherwise in active duty status, you have a right to a reasonable amount of official time to review the material relied on in this matter, to secure affidavits, to prepare an answer and to present the reply. For these purposes, you will be allowed \_\_\_\_\_ hours of official time. In addition, you will be allowed official time to make an oral reply, if you choose to do so. You should arrange with your supervisor for any use of official time.

Any oral conference that you request will be conducted by [deciding official and location]. [deciding official]<sup>2</sup> will also be the deciding official on this matter. Your written and/or oral reply must be received by [deciding official] within fifteen (15) calendar days from the date you receive this letter. If you wish to be heard in person, you must request an oral conference within seven (7) calendar days from the date you receive this letter. Consideration will be given to extending these time periods if you submit a request to [deciding official] stating your reasons for desiring more time within the time frames specified above. Any written reply or written request for an oral conference as well as designation of representative should be addressed to [deciding official], [address]. A request for an oral conference can also be directed to [deciding official] by telephone on [telephone number].

If you believe that personal, medical, or other problems are reasons for your actions, you may provide documentation of a medical condition or raise these problems in your written and/or oral reply. You may also call the Employee Assistance Program at [telephone number], or myself for assistance. If you wish to provide medical documentation, the Employee Relations Specialist in the Regional Personnel Office at [telephone number] will provide you with information concerning medical documentation requirements.

A final decision will not be made in this matter until your reply or replies have been received and considered, or, if no reply is received, until after the time specified for the replies has passed. Any replies, affidavits or other evidence submitted by you will be given full consideration. You will be notified in writing of the final decision.

You will be retained in a work status during the advance notice period specified in this letter [for intermittent employees add, if appropriate:] unless workload requirements necessitate placing you in a non-duty status. [For those in non-work status, state:] You will remain in a non-duty status during the advance notice period unless workload requirements necessitate recalling you to duty.

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<sup>2</sup> The deciding official can also serve as the official receiving the oral and/or written reply. See footnote 1.

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If you should have questions regarding your rights or other procedures contained in this notice, please contact the Employee Relations Specialist at [telephone number].

Please acknowledge receipt of this letter by signing the attached copy and returning it to me.

Sincerely,

Mr. Soupy R. Visor

[NOTE: On a copy of the letter type the following for the employee to sign:]

I acknowledge receiving this document.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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